

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TONYA KAYE HILL,

Plaintiff,

V.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. 6:20-cv-393-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Tonya Kaye Hill filed this appeal from a final administrative decision of the Commissioner of the Social Security Administration denying her applications for Social Security Disability Insurance benefits and Supplemental Security Income benefits. On August 4, 2021, the Court reversed the Commissioner's final administrative decision and remanded the matter to the Commissioner for further proceedings. Before the Court is Plaintiff's Motion for Attorney's Fees pursuant to § 206(b)(1). Docket No. 32. The motion was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact and recommendations for disposition. Docket No. 33.

On November 21, 2022, Judge Mitchell issued a Report recommending that the Court grant the unopposed motion and award movant \$13,331.25 to be paid out of Plaintiff's past-due benefits. Docket No. 34. No written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, the Commissioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 34) as the findings of this Court. Plaintiff’s unopposed motion for attorney’s fees (Docket No. 32) is **GRANTED**. For his representation before the Court in this matter, Movant Howard Olinsky is awarded **\$13,331.25** to be paid out of Plaintiff Tonya Kay Hill’s past-due benefits. Upon receipt of the \$13,331.25, Movant shall remit to Plaintiff the previously awarded EAJA fees in the amount of \$12,698.36.

So **ORDERED** and **SIGNED** this **12th** day of **December, 2022**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE